REMARKS/ARGUMENTS

Status of Claims

Claims 1-38 and 43-48 are pending in this application. Claims 1-3, 10, 11, 13, 15-18, 20, 22, 29, 30, 32, 34 - 37, 43, 44, 47 and 48 are currently being amended. Claims 39-42 have been cancelled.

Claims Rejections – 35 USC § 102

Claims 1-8, 10-13, 15-27, 29-32, and 34-38 have been rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al (hereinafter, "Peterson" 6,502,137).

Applicant has amended claims 1-3, 10, 11, 13, 15-18, 20, 22, 29, 30, 32, 34 -37, 43, 44, 47 and 48 to more particularly point out the claimed invention. By way of review and contrasting the teachings of Peterson, the methods and system of the present invention are directed at enabling a target computer without any pre-configuration to access and execute a requested application program resident on a server system. The methods are enabled by a helper application that executes on the computer, the helper application configuring the computer to execute the application program by reading an application descriptor provided by the server system in response to the request and determining from the application descriptor the necessary configuration required to execute the application program. Further, the helper application controls the computer to execute the application program using the configuration it determined.

Thus, the helper application determines if the requested application is executable, if it requires a particular configuration, and then controls its instantiation. For example, if the computer wants to run MP3 files and has no resident audio player, the helper application of the present invention can determine that the computer needs an audio player, a player from a server, even download Peterson's program and control the execution of Peterson's program on the computer to execute the MP3 content. Thus, the methods and system of the present invention allow a computer to execute different application programs by building dynamically the required configuration, and controlling the execution of each application program.

Further, Peterson is directed to providing a security mechanism for implementation where a client computer has requested video/audio data from an application server (Col. 1, lines 58-61). The client computer of Peterson has a multimedia subsystem 141 resident on it to play the video or audio data on the client computer (Col. 5, lines 23-34). In contrast, the client (target) computer of the present invention does <u>not</u> have the multimedia subsystem resident on it, but instead, uses the helper application to identify what additional program elements are required to instantiate the application program requested from the server system which could be any program not just video/audio data, and then launching and controlling the instantiation.

Applicant respectfully disagrees with the characterization of Peterson and requests reconsideration of all pending claims.

Claims Rejections – 35 U.S.C. § 103

Claims 9, 14, 28 and 33 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson in view of de Hond.

As discussed hereinbefore, Peterson fails to teach the elements of the following amended claim 1:

A method for serving executable application programs over a computer network from an application server system to a target computer, the method comprising:

the target computer signaling the application server system with a request for an ~~executable~~ application program;

the application server system responding to the request by transferring an application descriptor to the target computer;

the application descriptor being read by a helper application executing on the target computer, <u>the helper application determining from the application descriptor a configuration required by the target computer to execute the requested application program</u>; and

the helper application controlling the target computer to execute the ~~executable~~ application program, which resides on the application server system <u>using said configuration, whereby portions of the application program are retrieved and executed</u>.

The combination of Peterson and de Hond fails to teach all elements of Applicant's amended claims due to the lack of foundation for the rejection as discussed herein before with

regard to the Peterson reference. Further, neither de Hond nor Peterson contain any suggestion to combine with the other reference to make up for the shortcomings in their teachings.

Applicant respectfully requests reconsideration and allowance of all claims.

For the reasons stated above, we believe that the claims are allowable and therefore ask the Examiner to allow them to issue.

Please apply any charges not covered, or any credits, to Deposit Account No. 08-0219.

Respectfully submitted,

Date: *September 15, 2004*   *Monica Grewal*
                                   Monica Grewal
                                   Reg. No. 40,056

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Telephone: (617) 526-6223
Facsimile: (617) 526-5000